

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLEChapter 610 19 93Bill H _____ S 271 Original bill & history ____cH. Committee on Human ServicesHearing Date(s) 4-2 ✓c

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Date Out 4/12 ____cS. Committee on JudiciaryHearing Date(s) 2/15 ✓cthen to Finance & Claims3/12 ✓c

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out 3-18 ____

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

COMMITTEE--SENATE JUDICIARY

Page 10

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

SB0242	BURNETT, JIM		CONST. AMEND. TO EXPAND JUDICIAL VIOLATIONS AND CONTROL OVER THE JUDICIARY		
	1/25	2/16	ADVERSE RPT ADOPT 2-19		2/19
SB0246	HARP, JOHN		GENERALLY LIMITING LIABILITY OF AGENCIES ENFORCING BUILDING CODES		
	1/25	2/11	TABLED ON 02/19		
SB0249	YELLOWTAIL, BILL		CLARIFY TELEMETRY DEVICE REQUIREMENT FOR TRAINS		
	1/25	2/09	DO PASS 2-9		2/10
SB0250	YELLOWTAIL, BILL		REMOVE COLLECTIVE BARGAINING STRATEGY MEETING EXCEPTION TO OPEN MEETING LAW		
	1/25	2/09	PASS AS AMENDED 2-16		2/16
SB0251	TOWE, TOM		CLARIFY CITY COURT JURISDICTION		
	1/25	2/05	DO PASS 2-5		2/06
SB0252	HERTEL, JOHN		EXEMPT PROFESSIONAL LAND SURVEYORS FROM CRIMINAL TRESPASS LAW		
	1/25	2/05	PASS AS AMENDED 2-8		2/09
SB0258	HARP, JOHN		CLARIFY WORKERS' COMPENSATION SUBROGATION RIGHTS		
	1/26	2/05	DO PASS 2-9		2/10
SB0259	HARP, JOHN		CLARIFY COST OF RELOCATING OVERHEAD UTILITY LINE		
	1/26	2/09	DO PASS 2-9		2/10
SB0260	BARTLETT, SUE		CLARIFY STATUTE OF LIMITATIONS IN PATERNITY ACTION		
	1/26	2/10	PASS AS AMENDED 2-16		2/17
SB0264	VAN VALKENBURG, FRED		ABOLISH CERTAIN NOTIFICATIONS OF RELEASES FROM CONFINEMENT		
	1/27	2/08	PASS AS AMENDED 2-9		2/10
SB0265	RYE, DAVID		FELONS CAN'T SUE FOR TORT DAMAGES INCURRED DURING COMMISSION OF OFFENSE		
	1/27	2/08	TABLED ON 02/15		
SB0271	JACOBSON, JUDY		ESTABLISH LOCAL CITIZEN REVIEW BOARD FOR FOSTER CARE PLACEMENTS		
	1/28	2/15		FINANCE & CLAIMS	

therefore the Committee should really think about SB 356. Senator Doherty said Montana should join the other 22 states who have adopted similar legislation for environmental permitting.

HEARING ON SB 271

Opening Statement by Sponsor:

Senator Jacobson, District 36, told the Committee that SB 271 would provide for a board of three to five volunteer citizens, appointed by the Chief Justice of the Montana Supreme Court, to review foster care cases and complaints. The board would have access to all appropriate records and would be under the same confidentiality requirement as the Department of Family Services. The review board would free the case workers, currently responsible for conducting reviews, to do case work and provide services to families. The function of the review boards would be to examine cases where a child had been removed from their home, by reason of alleged delinquency, abuse or neglect, for longer than a six month period. The Department of Family Services was required by law to have a plan outlining the program to return the child or find permanent placement, however the case plans were inadequate.

Proponents' Testimony:

Kathy Marshall told the Committee Montana had a bad foster care system. Ms. Marshall said the system does not have an advocate for the children, and the children could not speak for themselves. The case workers are so overworked they cannot get their daily chores down. Ms. Marshall said the children need an advocate outside of the system who can speak up about the problems. SB 271 works and has worked in 22 states. Ms. Marshall urged the Committee to support SB 271.

Senator Burnett urged support for SB 271.

Gail Gray, Office of Public Instruction, supported SB 271. Children do not do well in unstable and ever changing environments. Guidance counselors, principals, teachers, and good common sense, tells us children do not benefit from education if their home environment was unstable and ever changing. The enactment of SB 271 was enacted would lend more stability to the lives of children in the foster care system. Ms. Gray urged support for SB 271.

Hank Hudson, Department of Family Services, (DFS), said the DFS supported SB 271, but had some concerns. Mr. Hudson said he was concerned with the language, which states, "subject to available funding." The department was required to provide foster care review under state and federal law. SB 271 would transfer the authority to the judicial branch. The hiring of staff and all the details of administration and training would need to be done. If the funding was unavailable, the department would be subject

to the loss of federal funding for failure to comply with the mandatory six month reviews. SB 271 provides for the release of records, which may be in conflict with the confidentiality statutes. SB 271 would give the authority to provide copies of medical and case information to people on the board. Mr. Hudson wanted to make sure that it would not conflict with existing statute.

Jim Smith, Montana Juvenile Probation Officers Association, supported SB 271. Mr. Smith the Committee to repeal the youth placement committee, in addition to repealing the foster care review committee.

Opponents' Testimony:

NONE

Questions From Committee Members and Responses:

Senator Blaylock asked Senator Jacobson about the citizen review boards. Senator Jacobson said the citizen review boards have been working very well in other states. The boards consist of volunteers, which are appointed by the Chief Justice of the Supreme Court. They are people who are involved with children, and often times are retired people. Senator Jacobson said the new section on page 6, of SB 271, addresses the confidentiality of the records. The review board would be subject to the same fines and misdemeanors as anyone else who had access to the documents.

Senator Blaylock asked Senator Jacobson about the funds for the system. Senator Jacobson the fiscal note would not be small, however most of the cost would be for the start up of the program.

Senator Halligan asked Senator Jacobson about the Supreme Court. Senator Jacobson said the program has been most successful in the states where it had been administratively attached to the judiciary. The Supreme Court would not be advocating for the children, they would be housing the administration. However, the Chief Justice would be appointing the volunteers.

Senator Halligan asked Ms. Marshall if she had attended a youth placement committee or a foster care review committee meeting. Ms. Marshall said yes.

Closing by Sponsor:

Senator Jacobson told the Committee she would work with them if there were things in SB 271 that were troublesome. Montana does have problems in the foster care system. Senator Jacobson recommended that the Committee look at the statistics in the foster care report which was done for the legislative Finance Committee. Senator Jacobson also recommended the Committee talk

to the members of the Human Services Committee who work on the budget. Senator Jacobson said many of the members signed on SB 271 realizing the problems of the foster care system. Senator Jacobson said SB 271 was a positive approach to clear up the foster care system.

HEARING ON SB 321

Opening Statement by Sponsor:

Senator Christiaens, District 18, said SB 321 was a revision of the medical parole statute. On page 1, lines 18 through 20, the words, "highly unlikely to present a clear and present danger to public safety" would be amended into SB 321. Page 2, line 15, the words "is likely to pose," would be amended into SB 321. SB 321 would be a cost savings bill. If just two people were paroled, there would be a savings of \$15,000 per person. The kinds of people that would be covered under SB 321 would be those who had been diagnosed with cancer, chronic heart disease, or other serious illnesses that have left them incapacitated. They would be paroled out into the community under Medicaid/Medicare type provisions. Senator Christiaens said the funding would relieve the general fund from huge medical costs.

Proponents' Testimony:

Jim Pomroy, Department of Corrections and Human Services, submitted two written statements. (Exhibit #2 and Exhibit #3) Mr. Pomroy said the amendments would simplify the issue of medical parole, without imposing a substantial risk to public safety. The Department of Corrections and Human Services urged support for SB 321.

Opponents' Testimony:

NONE

Questions From Committee Members and Responses:

NONE

Closing by Sponsor:

Senator Christiaens told the Committee that the parole boards would still hear every case and public safety would still be fully covered. Senator Christiaens urged the Committee to pass SB 321.

HEARING ON SB 323

Opening Statement by Sponsor:

Senator Christiaens, District 18, said SB 323 would authorize the establishment of a shock incarceration program for offenders

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

SB0071	TOWE, TOM		PROVIDING AN INCENTIVE FOR REDUCING POSITIONS IN A DEPARTMENT				
	1/02	1/15		PASS AS AMENDED	1/15	VOTE:	1/15
SB0094	KEATING, TOM		REVISE LAWS RELATING TO COUNTY GENERAL RELIEF MEDICAL ASSISTANCE				
	1/07	1/15		PASS AS AMENDED	2/2	VOTE:	2/03
SB0101	JACOBSON, JUDY		CLARIFY MASKING OF INCOME TAX DATA FOR GOVERNMENT USE				
	1/08	1/15		DO PASS	1/15	VOTE:	1/15
SB0232	WATERMAN, MIGNON		CREATING A LUMP-SUM APPROPRIATION FOR THE UNITS OF HIGHER EDUCATION				
	1/21	2/02		TABLED ON	02/16	VOTE:	
SB0271	JACOBSON, JUDY		ESTABLISH LOCAL CITIZEN REVIEW BOARD FOR FOSTER CARE PLACEMENTS				
	2/20	3/12		PASS AS AMENDED	3/18	VOTE:	3/18
SB0278	CHRISTIAENS, CHRIS		REVISE LAWS RELATED TO EDUCATION SERVICES IN CHILDREN'S TREATMENT FACILITIES				
	1/29	2/11		PASS AS AMENDED	2/18	VOTE:	2/19
SB0292	FRITZ, HARRY		YOUTH DETENTION GRANT ADMINISTRATIVE COST FUNDING				
	2/01	2/11		DO PASS	2/11	VOTE:	2/11
SB0295	NATHE, DENNIS		REQUIRE BOARD OF REGENTS TO SUBMIT PLANS FOR REDUCTIONS IN GENERAL FUND				
	2/02	2/09		ADVERSE RPT ADOPT	2/9	VOTE:	2/09
SB0301	TOWE, TOM		PROHIBITING USE OF STATE FUNDS FOR REMEDIAL COURSEWORK AT UNIVERSITY SYSTEM				
	2/03	2/09		ADVERSE RPT ADOPT	2/9	VOTE:	2/09
SB0327	KENNEDY, JR., ED		ALLOW ALCOHOL TAX TO BE USED TO FUND "FOR PROFIT" ALCOHOL TREATMENT PROGRAMS				
	2/05	2/16		ADVERSE RPT ADOPT	2/18	VOTE:	2/18
SB0335	TOWE, TOM		MANDATE REDUCTIONS IN AGENCY ADMINISTRATIVE PERSONNEL				
	2/08	2/18		ADVERSE RPT ADOPT	2/18	VOTE:	2/18
SB0414	KENNEDY, JR., ED		AMEND RULES RESTRICTING PROVIDERS OF INPATIENT PSYCHIATRIC SERVICES				
	2/16	2/18		TABLED ON	02/18	VOTE:	

ROLL CALL

SENATE COMMITTEE FINANCE AND CLAIMS

DATE 3/18/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON	✓		
SENATOR FRANKLIN	✓		
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BIANCHI	✓		
SENATOR CHRISTIAENS	✓		
SENATOR DEVLIN	✓		
SENATOR FORRESTER	✓		
SENATOR FRITZ	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR JERGESON	✓		
SENATOR KEATING			✓
SENATOR LYNCH	✓		
SENATOR TOEWS	✓		
SENATOR SWYSGOOD	✓		
SENATOR TVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING			✓

FC8

Attach to each day's minutes

draw out about \$8 million to trigger to a higher rate. There is no way that is going to happen.

Senator Keating asked at what level we need the trust fund to be at minimum premiums.

Rep. Wanzenried said his recollection is \$99 million. We would be looking at about a \$6 million increase to have it trigger down to the lowest schedules.

Senator Aklestad asked how much money is going to the Apprenticeship Program at this time.

Rep. Wanzenried said at the current time the two year biennium is \$110 thousand per year. It will be a \$30 thousand per year increase. The principal reasons for the growth is when we switched to the state system it made it easier for employers to utilize this system, and there are more using it now than when it was under the federal program.

Senator Aklestad asked why the union employees were receiving more benefits than the non union employees.

Mr. Maki said there are 645 registered apprentices, with 43 percent being union members and 53 percent non union. There are 276 apprentices registered in union programs and 369 registered in non union programs.

Rep. Wanzenried said the union employers place a greater emphasis on this. A lot of non union employers are just finding out about the program.

Senator Hockett asked how many different crafts are apprenticed in Montana.

Mr. Maki said they recognize 150 to 170 apprenticeship trades in Montana, with the construction trades being the largest.

Closing by Sponsor:

Rep. Wanzenried closed on HB 129.

HEARING ON SB 271

Opening Statement by Sponsor:

Senator Judy Jacobson, Senate District 36, sponsor, said SB 271 establishes Local Citizen Review Boards for foster care placements. She said the bill was heard in the Senate Judiciary Committee but because of the fiscal note was sent to Finance and Claims. She said according to the Montana Department of Family Services reports, child abuse and neglect in Montana rose from about 11,000 in 1988 to about 17,000 in 1992. We are trying to

create a lasting solution to problems in the foster care system. Three to five volunteer citizens would be appointed in each Judicial District by the Chief Justice of the Montana Supreme Court. She said the placement of children in foster care is intended to be a short term solution to an emergency situation, but many times the children are in that system for a very long time. The function of this review board would be to examine all cases where a child has been removed from their home because of allegations of delinquency, abuse or neglect, and not returned in six months. That time frame could be shortened to less than six months. This system has been very successful in other states. There is a lot more trust because the Review Board is separated from the Department.

At this time Senator Jacobson asked Kathy Marshall to speak on SB 271. She stated that Ms. Marshall did all of the research on her own for SB 271 and travelled to Oregon on her own time and money because she had concerns about the system.

Proponents' Testimony:

Kathy Marshall, Butte, discussed a case involving twins that had spent their entire life in foster care. The twins were two and a half years old and had been in six foster homes. She said she knew how she was treated in this system, as a fairly educated person, a person that is very involved in the community, as well as her husband that also has a good standing. She said she was not treated very well, she was lied to and manipulated. She said we cannot afford to put any more money into the Department of Family Services until a checks and balances system is put into place. They do not have to be accountable in their field. Right now there is a case worker and a supervisor making lifetime decisions. With the Review Board there would be a whole panel helping and bringing a common sense approach, not a theory. She said that Hank Hudson, director of Department of Family Services, said if the case workers are doing their job, they have nothing to fear. The figures for foster care are doubling and tripling every year. She stated these reviews have to happen or federal funding is lost, and these are happening right now by paid case workers. She said the program she is presenting is a volunteer program, thousands of hours free. She said the coordinator and director need to be paid, and trained well to do a good job. She concluded by asking the committee to take these responsibilities out of the hands of a single case worker and supervisor and give them to a whole committee of people that are going to care, are not controlled, or in any way identify with the Department of Family Services.

Jim Smith, Montana Juvenile Probation Officer Association, said they are in support of the bill. He said the Juvenile Probation Officers that work for the Youth Courts in the 20 districts around the state will become involved in the process and will

work with administering the Citizen Review Committees. He noted in the bill, the existing Foster Care Review Committees are repealed. It is not a single caseworker making a decision for these kids in every instance. The Foster Care Review Committee consists of a representative of the Department, a representative of the Youth Court, someone knowledgeable in the needs of children in foster care placements, a representative from the local school district, and if the child under review is an Indian, someone with expertise in that area, and if possible, a foster parent of a child. He said we might want to repeal these Youth Placement Committees as well as the Foster Review Committees. If the probation workers, social workers and educators are the problem, then get them out, put the Citizen Review Committee in place, and they would be happy to work with them. He noted their support is contingent upon the funds to go along with the program. He isn't going to dispute the fiscal note, he thinks they are real costs and should be funded. The current system is under-funded and the budget hasn't been adjusted for caseload increase.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Lynch asked why, if the law is on the books, they aren't being used, and is there any possibility that because this would reduce the case load for Department of Family Services, we could take the money from Family Services and put it in here.

Senator Jacobson said she does not think we have recognized the cost of the Review Boards. The Federal laws say we have to do this, and we might be able to access some federal money if we get the program up and going. To tell the DFS they have to meet the federal requirements is not getting good review and that is why there are problems. This program would house it in the Judiciary, have volunteers all over the state and be doing an actual good review.

Senator Lynch said it is currently in Montana law on youth placement. According to Montana laws, one caseworker is not supposed to be making these decisions, it is supposed to be done by up to 5 people.

Gary Walsh, Department of Family Services, said the law currently is on the books that establishes Foster Care Review Committees and has been for about 10 years. Committees composed of five to seven members are staffed by the department's employees, but as Jim Smith pointed out, this includes the probation officer, someone from the schools, someone knowledgeable about foster care, etc. The requirement is that when a case is referred to them, it is investigated and if substantiated, and the child is at risk, the decision is made by the caseworker and the

supervisor. The Foster Care Review Committee would come in after the child has been in foster care for six months, and if the child continues in foster care, must be reviewed every six months.

Senator Lynch said if these are on the books, why isn't the present law changed to include more public members. He said there are two different committees on the books which are not being utilized.

Senator Jacobson said Mr. Hudson is interested in the concept. He was, and still is, a proponent of the bill. She said the fiscal note is about a million dollars, and all they had to judge that on was the cost of the Oregon review. Seventy per cent of it was estimated to be the cost for Montana. Oregon has a good Foster Care Review Board in place and their caseloads are going down, which has happened in every state that has enacted this type of legislation. They have spent about a million dollars and saved about five to seven million dollars over a two to three year period. She would like to see the program put in place and thinks we could show in two to three years a big cost savings from the foster care. She said our foster care costs have been high over the last 10 year period. Part of the problem is lack of staff and money. Many of the Oregon Foster Care Boards are reviewing within 60 to 90 days of the placement of the child.

Senator Swysgood asked Kathy Marshall if she thinks the current system is not working as far as the review process. Ms. Marshall said yes. Sen. Swysgood asked if this bill were to pass would the other in-house people be eliminated.

Senator Jacobson said the way SB 271 is written, it will repeal the present review boards and put this in place instead. It would be administratively attached to the Judiciary rather than the department. She noted it does not repeal the Youth Placement.

Senator Swysgood asked for Kathy Marshall's perspective on the review boards.

Kathy Marshall said the present system does not work because they all work so closely together that they all think the same. She said they have to have independent reviews and noted Mr. Hudson said the only way he really knows what is happening in the field is if there are complaints but that he cannot deal with all the complaints that come in. She said putting it under the Judicial part of government would keep it away from DFS and totally independent.

Senator Jacobson said the other thing they have found in the states that housed it in the Judiciary was they pay more attention to the recommendations of these boards.

Senator Devlin asked Ms. Marshall regarding the Oregon system,

are they funding it out of the general fund.

Ms. Marshall said they are completely independent, and it is a total success.

Senator Jacobson said she was told they had been able to access some of the federal funds. They were able to utilize some of the federal audit monies for the review board because the review board fills that function.

Senator Waterman asked Sen. Jacobson to comment on the Youth Placement Committee.

Senator Jacobson said that could be discussed. They were simply looking at the Review Board and exploring the possibility of piloting the program in about three areas. If piloted, the other board could not be repealed because federal law would not allow that.

Senator Waterman said she would like to see whether or not the Youth Placement Committee needs to be continued, or how they would mesh together.

Senator Christiaens said in the subcommittee, some of their assumptions were made upon passage of this particular bill, as caseloads increased over the last biennium by about 1300 foster children. If this does not pass we may need to go back and look at what was appropriated for foster care. The assumption was that if this was in place we might be able to hold the numbers somewhat steady.

Senator Jacobson said if one time money could be found, we could begin to see the savings, but it is going to take several months and time to get the people trained so you will not see savings at least until the second year of the biennium.

Senator Aklestad asked Ms. Marshall if she saw any problem with the existing statutes on the books in this area, as far as the department taking children and the handling of the children.

Ms. Marshall said she is not an expert on Montana law. All she knows is that they presented a bill that comes with great success and is well written.

Senator Aklestad said the reason there are problems with the Department of Family Services and there are abuses in the way the children and families are handled is because of statutory language on the books at this time.

Ms. Marshall said she does not feel this is a problem with Montana's law, but goes back to the way it was federally set up.

Senator Aklestad said Montana laws give more latitude to the Department of Family Services than any state in the nation. He

said there was proposed legislation before the Senate Judiciary Committee to deal with that.

Ms. Marshall said she is not convinced it is a state problem but rather a national problem.

Senator Aklestad said it is probably more successful in other states because they are not dealing with the statutes of Montana.

Ms. Marshall said she does not agree with that.

Senator Jacobson said a number of legislators have come to her because of constituent problems. Rather than changing child abuse laws, it would be better if something like this was in place with these cases being reviewed, and people having a place to go to discuss their problems. She said she would much rather go with a positive approach.

Senator Aklestad asked why the makeup of the new Review Board is going to be better than the old one and also why is an FTE needed.

Senator Jacobson said what they are trying to do is put in place a citizen review board that is much more functional and proactive than what currently exists. There will be no one from the department serving on it. These people are going to be out in the field and the makeup of the Board will be people from the communities volunteering their time to work on these Boards because they care. They would receive initial training as well as ongoing training. If you are going to have that kind of people and training, it is necessary to have some staff.

Senator Keating asked if the review started six months after the child has been taken from the home.

Senator Jacobson said they have been advised to change that to 60 to 90 days. She added they are only reviewing the results of the placement six months after they have been taken from the home.

Senator Keating asked the Department if the Review Board that deals with placement involves probation officers from the Youth Courts. Gary Walsh said that was correct. Senator Keating noted the probation officers' caseloads are such that they have difficulty in getting time to spend on these review cases.

Gary Walsh said probation officers and the department's social workers have large caseloads, so they have to allocate their time the best they can to accomplish what they are obligated to do.

Senator Keating said this would take them out and this Citizen Review Board would look at what they have been doing. He said this is not actually a peer review; it is a citizen review of what the departments have been doing, whether it is Youth Court or the Department of Family Services. Senator Jacobson said yes,

and it allows the Department of Family Services people to do the jobs they are supposed to be doing and not have to do these reviews.

Senator Keating asked Ms. Marshall if in Oregon, these groups work within the community mental health network. Ms. Marshall said yes, they do.

Senator Swysgood said many programs have been put in place with the assumption it is going to save money. He asked if under this, we could take a pilot program in some of the hardest areas to serve and with the most problems and see if this actually works and cuts down on program costs.

Senator Jacobson said that was possible but we can't repeal the present foster care review if the program is only piloted. The way it is set up, the administration is in Helena, and then it could be piloted out in about three places. The large expense is just starting it up in Helena.

Senator Tveit asked if the findings of the Review Board would go to the Judiciary.

Senator Jacobson said yes, they will review the case and make recommendations to the courts, and they can make recommendations to the social worker. The Review Boards are advocates for the children; they recruit foster homes. Right now the only people recruiting foster homes is the department. There are a number of duties these people have assumed as they become more familiar. That is why they are so successful in saving money. They have been very successful in getting parents to sign the plans that the department has laid out for them and follow through on them.

Closing by Sponsor:

Senator Jacobson closed on HB 271.

EXECUTIVE ACTION ON HB 425

Discussion: Senator Jacobson said she asked Carroll South to explain how this program would function under the Board of Investments. A handout entitled Advantages/disadvantages was handed out. (Exhibit 6)

Carroll South, Executive Director of the Board of Investments, discussed Exhibit 6. As it was envisioned, the present bonding activity carried out by the Board of Investments would have been moved to a new Board that would have been created. The new Board would assume the duties of the current Board of Housing and the Health Facilities Authority. Essentially there would be three bonding functions under the Board. As the bill was drafted and introduced, it did not resemble the organizational chart. He said they talked to the sponsor of the bill, and Rep. Kadas

Senator Jergeson stated he would support Senator Swysgood's motion. He said there was considerable testimony that gifts in that range might generate a tremendous amount of paperwork on the part of agencies and the university system and added we have been criticizing them for their administrative costs. The \$500 figure would create an additional workload on the LFA office.

Motion: Senator Lynch made a substitute motion to amend page 1, line 23, strike "\$500" and insert "\$1,000".

Vote: Senator Lynch's substitute motion FAILED on a roll call vote.

Vote: Senator Swysgood's substitute motion CARRIED with Senators Tveit, Lynch, Beck, Aklestad and Harding opposed.

Motion/Vote: Senator Swysgood moved that HB 23 AS AMENDED BE CONCURRED IN. Motion CARRIED on a roll call vote.

EXECUTIVE ACTION ON SENATE BILL 271

Discussion:

Senator Jacobson said a concern of the committee was funding for the bill and that issue has been addressed. She asked Terry Cohea to explain to the committee proposed amendments (Exhibit 2)

Ms. Cohea stated that since this is a Senate bill, there cannot be an appropriation in the bill. The proposed amendments (Exhibit 2) were drafted with a contingency provision explaining where the money would come from to fund this. If the appropriation is not put in HB 2 or another appropriation bill, this would be void. There are two funding sources shown in the amendment. First, relating to the general fund, it would be \$633,000 estimated savings to occur in Fiscal Year 1993 from House Bill 427. The second source of funding is money from the district court criminal reimbursement. As of this date the counties had only been billed \$74,000. The general fund that had been put in to make them whole more than accomplished that so the contingency provision would recapture that general fund. Counties would be reimbursed for the cost of criminal cases but would take it out in layers before district court grants.

Senator Christiaens questioned there is that much in general fund savings.

Senator Jacobson said it is her intention to make sure funding is put in SB 271; if something happens, this can be changed at a later date. She acknowledged that up front costs are needed for at least the first year. With regard to the federal government, she noted that they presently are paying 50 percent of the costs with the Iowa program. She added that our program may not require this much money.

Motion:

Senator Swysgood moved the amendments (Exhibit 2).

Discussion:

Senator Swysgood stated it is a worthwhile program that needs to be explored.

Senator Waterman stated her support even if it means increasing the general fund budget.

Senator Aklestad said while the concept of SB 271 is fine, there are more problems than financing. The way it is structured, we are starting a new program which cannot be afforded. Presently there are boards in the communities which are not functioning properly and there is potential with the boards we presently have to be restructured and put under someone else. He also questioned the involvement of the Supreme Court in the bill. They are limited in time as well as isolation from communities in which this problem is occurring.

Senator Jacobson acknowledged there is a structure out there but it is not functioning. She said the Department of Family Services (DFS) is supportive of the program and would like to try addressing that concern through this type of a program. Regarding the district court involvement, they presently are appointing those people so this would not be changed. It would simply change the makeup of the board to be voluntary citizens boards. She added she has discussed this with Chief Justice Turnage and others on the court and they are willing to work with it because the courts are involved and concerned about the way the system is presently working. The DFS is presently charged with this, and they do not have the time or money to do it; therefore it is not getting done. She concluded SB 271 would give necessary services to the children that need them and make sure these children are treated properly within the system.

Senator Harding questioned Exhibit 2 and asked if county treasurers have been informed about this as to whether it would create a problem for them.

Ms. Cohea said this will not affect the county treasurers as they will handle their duties the same as they presently do. The language is existing law. It shows how money is distributed after it comes to the state.

When questioned by Senator Forrester regarding the funding, Ms. Cohea said the money is used in three tiers. The first tier is district courts that have costs for criminal cases apply to the program and get partially reimbursed or totally reimbursed if

there is enough money in the fund. The second tier is money that is left over, district courts can apply for grants for civil cases they have and the Supreme Court decides if it is appropriate to reimburse. If there is money left over, that money is distributed back to the counties for their general fund. The proposed amendment (Exhibit 2) would ensure that all district court expenses for criminal cases are paid but before the money is used there would be a review process.

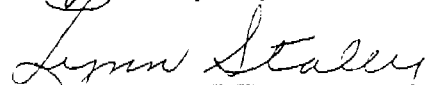
Vote: Senator Swysgood's motion to amend (Exhibit 2) CARRIED.

Motion/Vote: Senator Swysgood moved that SB 271 AS AMENDED DO PASS. Motion CARRIED with Senator Aklestad and Senator Devlin opposed.

ADJOURNMENT

Adjournment: 8:40 a.m.


JUDY JACOBSON, Chair


LYNN STALEY, Secretary

JJ/LS

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 18, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration Senate Bill No. 271 (first reading copy -- white), respectfully report that Senate Bill No. 271 be amended as follows and as so amended do pass.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 1, line 6.
Following: "41-3-1122,"
Strike: "AND"
Following: "52-2-112,"
Insert: "AND 61-3-509,"

2. Page 21.
Following: line 7
Insert: "

Section 17. Section 61-3-509, MCA, is amended to read:

"61-3-509. Disposition of taxes. (1) Except as provided in subsection (2), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles and fees in lieu of tax on motor homes, travel trailers, and campers collected under 61-3-504, 61-3-521, and 61-3-537 to a motor vehicle suspense fund, and at some time between March 1 and March 10 of each year and every 60 days thereafter, the county treasurer shall distribute the money in the motor vehicle suspense fund in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed.

(2) The Subject to legislative appropriations to implement [sections 1 through 13], the county treasurer shall deduct as a district court fee 7% of the amount of the 2% tax collected on an automobile or truck having a rated capacity of 1 ton or less. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time the county treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the general fund to be used for purposes of state funding of the district court expenses as provided in 3-5-901. Any amount forwarded to the state treasurer under this subsection that is not used for district court expenses must be refunded to the counties in the proportion that the amount collected from each county bears to the total amount collected."

PHC Amd. Coord.
Sec. of Senate

611138SC.Spm

NEW SECTION. Section 18. Contingency provision. [This act] is contingent upon the following appropriations being included in House Bill No. 2 or another appropriation bill passed and approved for the 1995 biennium:

(1) There is appropriated to the department of family services \$73,592 in fiscal 1994 and \$73,592 in fiscal 1995 from the general fund for the purposes of implementing [this act]. There is appropriated to the Montana supreme court \$242,908 in fiscal 1994 and \$242,908 in fiscal 1995 from the general fund for the purposes of implementing [this act].

(2) There is appropriated to the Montana supreme court \$325,305 in fiscal 1994 and \$272,908 in fiscal 1995 from the general funds collected pursuant to 61-3-509(2) that are not appropriated for district court expenses, as provided in 3-5-901.

(3) [This act] is void if subsections (1) and (2) are not included in an appropriation bill for the 1995 biennium that is passed and approved."

Renumber: subsequent sections

-END-

Amendments to Senate Bill No. 271
Introduced Copy

Requested by Senator Swysgood
For the Committee on Senate Finance and Claims

Prepared by Teresa Olcott Cohea
March 17, 1993

SENATE FINANCE AND CLAIMS
ENCL NO. 2
DATE 3/18/93
BILL NO. SB 271

1. Page 1, line 6.
Following: "41-3-1122,"
Strike: "AND"
Following: "52-2-112,"
Insert: "AND 61-3-509,"

2. Page 21.
Following: line 9
Insert: "

Section 18. Section 61-3-509, MCA, is amended to read:

"61-3-509. **Disposition of taxes.** (1) Except as provided in subsection (2), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles and fees in lieu of tax on motor homes, travel trailers, and campers collected under 61-3-504, 61-3-521, and 61-3-537 to a motor vehicle suspense fund, and at some time between March 1 and March 10 of each year and every 60 days thereafter, the county treasurer shall distribute the money in the motor vehicle suspense fund in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed.

(2) The Subject to legislative appropriations to implement [sections 1 through 13], the county treasurer shall deduct as a district court fee 7% of the amount of the 2% tax collected on an automobile or truck having a rated capacity of 1 ton or less. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time the county treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the general fund to be used for purposes of state funding of the district court expenses as provided in 3-5-901. Any amount forwarded to the state treasurer under this subsection that is not used for district court expenses must be refunded to the counties in the proportion that the amount collected from each county bears to the total amount collected."

{Internal References to 61-3-509:
23-2-616}

NEW SECTION. Section 19. Contingency provision. [This act] is contingent upon the following appropriations being included in House Bill No. 2 or another appropriation bill passed and approved for the 1995 biennium:

(1) There is appropriated to the department of family services \$73,592 in fiscal 1994 and \$73,592 in fiscal 1995 from the general fund for the purposes of implementing [this act]. There is appropriated to the Montana supreme court \$242,908 in fiscal 1994 and \$242,908 in fiscal 1995 from the general fund for the purposes of implementing [this act].

(2) There is appropriated to the Montana supreme court \$325,305 in fiscal 1994 and \$272,908 in fiscal 1995 from the general funds collected pursuant to 61-3-509(2) that are not appropriated for district court expenses, as provided in 3-5-901.

(3) [This act] is void if subsections (1) and (2) are not included in an appropriation bill for the 1995 biennium that is passed and approved."

Renumber: subsequent sections

The general fund appropriation reflects the \$633,000 general fund savings

that is anticipated in fiscal 1993, if House Bill 427 is passed and approved.

The appropriation from the district court reimbursement program reflects:

1) the \$256,000 general fund that was appropriated to the program in fiscal 1993 to offset county costs for court ordered psychiatric tests. As of December 1992, counties had been billed only \$19,763; and 2) the importance of the judicial system in foster care placement decisions.

{Office of Legislative Fiscal Analyst

444-2986}

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

SB0209	CRIPPEN, BRUCE	1/30	2/05	REVISE OPTOMETRIST LICENSURE, TESTING, CONTINUING EDUCATION, BOARD MEETINGS	CONCUR AS AMENDED 2/10	VOTE: 16-0	2/11
SB0271	JACOBSON, JUDY	3/22	4/02	ESTABLISH LOCAL CITIZEN REVIEW BOARD FOR FOSTER CARE PLACEMENTS	CONCUR AS AMENDED 4/12	VOTE: 12-0	4/14
SB0285	FRANKLIN, EVE	2/23	3/24	CREATE MONTANA HEALTH CARE AUTHORITY	CONCUR AS AMENDED 3/29	VOTE: 15-0	3/30
SB0291	DOHERTY, STEVE	2/23	3/08	REVISE UTILIZATION REVIEW OF OUTPATIENT MENTAL HEALTH TREATMENT NOTES	CONCUR 3/12	VOTE: 16-0	3/13
SB0312	BECK, TOM	2/23	3/03	AMEND FAMILY PRACTICE TRAINING ACT TO ALLOW LONGER COMMUNITY TRAINING	CONCUR 3/5	VOTE: 16-0	3/08
SB0313	TOWE, TOM	2/23	3/03	REVISE ADULT FAMILY CARE STATUTES	CONCUR AS AMENDED 3/12	VOTE: 16-0	3/13
SB0314	CHRISTIAENS, CHRIS	3/22		REQUIRE EACH SUBDIVISION OF ISSUER TO PAY PORTFOLIO REGISTRATION FEE		VOTE: BUSINESS & LABOR	
SB0403	RYE, DAVID	2/23	3/08	CLARIFY DEFINITION OF OUTPATIENT FACILITIES IN HEALTH CARE LICENSING LAWS	CONCUR AS AMENDED 3/12	VOTE: 9-7	3/13
SJ0011	WILSON, WILLIAM	2/10	3/03	URGE REGULATION OF PRICING OF PRESCRIPTION DRUGS	CONCUR 3/12	VOTE: 15-1	3/13

HOUSE OF REPRESENTATIVES
HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE

4-2-93

NAME	PRESENT	ABSENT	EXCUSED
REP. BILL BOHARSKI, CHAIRMAN	✓		
REP. BRUCE SIMON, VICE CHAIRMAN	✓		
REP. STELLA JEAN HANSEN, V. CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. TIM DOWELL			✓
REP. DUANE GRIMES	✓		
REP. BRAD MOLNAR	✓		
REP. TOM NELSON	✓		
REP. SHEILA RICE	✓		
REP. ANGELA RUSSELL	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. CAROLYN SQUIRES	✓		
REP. BILL STRIZICH	✓		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By CHAIRMAN BILL BOHARSKI, on April 2, 1993, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Bill Boharski, Chairman (R)
Rep. Bruce Simon, Vice Chairman (R)
Rep. Stella Jean Hansen, Vice Chair (D)
Rep. Beverly Barnhart (D)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Duane Grimes (R)
Rep. Brad Molnar (R)
Rep. Tom Nelson (R)
Rep. Sheila Rice (D)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Carolyn Squires (D)
Rep. Bill Strizich (D)

Members Excused: Rep. Dowell

Members Absent: None

Staff Present: David Niss, Legislative Council
Alyce Rice, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 271
Executive Action: None

HEARING ON SB 271

Opening Statement by Sponsor:

SEN. JUDY JACOBSON, said SB 271 is an act establishing local citizen review boards for foster care placements. The foster care system seems to be growing out of control. According to the Department of Family Services (DFS), child abuse and neglect rose from 11,000 cases in 1988 to approximately 17,000 cases in 1992.

The general fund expense has risen 206%. Children are lingering in the system longer than they should. This bill would create a more lasting solution to problems in the foster care system. The bill would establish a board with three to five volunteer citizens in judicial districts, appointed by the Chief Justice of the Montana Supreme Court, to review foster care cases and complaints. The board would have access to all appropriate records, and would be under the same confidentiality requirements as DFS personnel. Children who grow up in foster care, or remain in the foster care system unnecessarily, represent a huge loss in both and human terms. Research has shown a direct correlation between child abuse and neglect, and later juvenile delinquency and adult criminality. Placement of children in foster care is intended to be a short term solution to an emergency situation. Some children become lost in the system because of heavy workloads of the caseworkers.

Review boards can act as checks and balances on behalf of children with direct benefits to DFS. The review boards can free caseworkers currently responsible for conducting the reviews, to do their casework and provide services to families. The function of the review board would be to examine all cases where children have been removed from their homes for reasons of delinquency, abuse or neglect and not returned within six months. In those situations, DFS is required by law to have a case plan outlining a program to be followed. Too often the case plans are inadequate, or become stalled in futile controversy between the parents and the agency. Twenty-two states have a panel of trained citizens which has proven to be successful, with dramatic fiscal savings. In Montana review boards are conducted by DFS. An independent review board, under the direction of the court system, would have the same dramatic results as other states have had under the same system. For example, New Jersey's Citizen Review Board was started in 1979. There were 13,000 children in foster care at that time. Within four years, the caseload dropped to 6,800. Nebraska's comparative studies over a period of three years, have confirmed that children are twice as likely to be adopted if reviewed by a Citizen Review Board.

The fiscal note is a little over \$1,000,000 to begin the plan. The State of Iowa has refinanced with the federal government and is now paying 50% of the cost of the Citizen Review Board, over and above what is paid to DFS. The same could be done here. Within two to three years the program could be self-sustaining by cost savings from reducing caseloads and by refinancing with the federal government.

Proponents' Testimony:

SEN. JIM BURNETT, Senate District 42, Luther, said he supports the concept of SB 271. SEN. BURNETT presented amendments that would make the county commissioners the appointing officers. He said the Citizen Review Board should not be under DFS or the Supreme Court. It should be a grass roots organization under the

direction of the county commissioners and the district courts.
EXHIBIT 1.

Kathy Marshall, Initiator, SB 271, Butte, said her interest in a Citizen Review Board began when she tried to advocate for twins who were 2 1/2 years old and had been in foster care since they were 2 months old. They were going into their sixth foster home. It became obvious that a system was needed to make caseworkers accountable for what they did and said. Further research led Ms. Marshall to the Citizen Review Board in Oregon. That board finds out why the children were taken out of their homes, what is going to be done with them, where they are going to be housed, when they will return home, or when they will have permanent placement.

In Oregon, 350 volunteers worked 65,000 hours in two years. That is over \$1,000,000 in volunteer time spent on foster care children. It is easier for overworked caseworkers to leave children in the foster care system, because they don't have to send the children home, rehabilitate the parents, or deal with the court system for adoption. Studies show that children who are allowed to float through the foster care system end up in the criminal system, at taxpayers' expense.

Ms. Marshall told the committee it should support SB 271 because it is the right thing to do. EXHIBIT 2.

Jean Cauthorn, Portland, Oregon. Written testimony. EXHIBIT 3.

Sheila K. Jenkins, Director, Citizen Review Board, Montgomery County Juvenile Court, Dayton, Ohio. Written testimony. EXHIBIT 4.

Corinne Driver, Executive Director, National Association of Foster Care Reviewers. Written testimony. EXHIBIT 5.

Lisa Powers-Shelton, Project Coordinator, Superior Court of the State of Washington for Snohomish County. Written testimony. EXHIBIT 6.

Siobhan M. McNally, M.D., Butte, Montana. Written testimony. EXHIBIT 7.

Nancy Burket Miller, Administrator, Oregon Citizen Review Board. Written testimony. EXHIBIT 8.

Marylyn Jenkins, Guardian, Court System, Ronan, told the committee about two abused brothers who were finally put in foster care homes in 1985. The brothers, now 13 and 14 years old, are still in the foster care system, and it has cost taxpayers \$50,000 a year. They have been moved from home to home. In Lake County, caseworkers are overburdened. A Citizen Review Board is needed.

Jim Smith, Montana Juvenile Probation Officers' Association, said that in his opinion, the child welfare system is the worst. The state takes care of people with mental illnesses much better than it takes care of abused and neglected children. These children don't have much in the way of rights. The association's support of SB 271 is contingent upon the availability of the funding the bill calls for. The problems in the child welfare system aren't the fault of probation officers or caseworkers. The association worked with Department of Family Services from 1989 to 1991 to determine what needed to be done to improve the standards of care for these children. The 1991 legislative session was given evidence showing the Department of Family Services needed an additional 108 social workers to meet minimum standards. The department ended up with eight additional social workers, and they were sacrificed during the special sessions in January and July of 1992. There has to be a change; if it means involving more citizens and making them more aware of what is going on in the welfare system, the association is in full support.

Hank Hudson, Director, Department of Family Services (DFS), said when the department first looked at SB 271, it was concerned and a little ambivalent. Some of the concerns were the cost and being in jeopardy of losing federal funding if federal standards aren't met. The department could see the benefits of involving more people, and providing the people involved in the system with a prospective from outside of the department. The current system has citizen review boards appointed by judges. The department is not sure what would be gained by attaching the boards to the Supreme Court, other than the fact that additional funding would mean more staff people. The department supports SB 271 if it is fully funded.

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

REP. GRIMES asked SEN. JACOBSON if the citizen review boards will be privy to all the confidential information available to caseworkers. SEN. JACOBSON said the members of the boards will have the same access to records, be subject to the same penalties, and will have to swear to keep confidentiality.

REP. MOLNAR asked SEN. JACOBSON if parents would be allowed to testify at board hearings for their children. SEN. JACOBSON said the board can bring in anyone involved for the hearing, including parents. REP. MOLNAR said he noticed Montana's caseload was 70% of Oregon's, yet their population is higher. REP. MOLNAR asked SEN. JACOBSON to explain why Montana's per capita caseload was

higher. SEN. JACOBSON said Oregon has the program in place and it seems to be checking the growth caseloads.

CHAIRMAN BOHARSKI asked SEN. JACOBSON why section 11 (2) states that the board may require the presence of specific employees of the department or other agencies at a board meeting but doesn't address anyone else. SEN. JACOBSON said the board doesn't have to require a parent to attend, but could ask a parent or anyone else that may be involved to be there. CHAIRMAN BOHARSKI asked SEN. JACOBSON if a situation could ever come up where the board would want to require a parent to be at the meeting. SEN. JACOBSON said she couldn't imagine why a parent would refuse to come before a review board because it would be in the parent's best interest. It's the same system being used at present.

REP. GRIMES asked SEN. JACOBSON if she anticipated any current review boards being eliminated as a result of the bill. SEN. JACOBSON said SB 271 repeals the present boards.

REP. SIMON asked David Niss, Legal Counsel, if the Supreme Court needed any rule making authority to set up the program. Mr. Niss said the Montana Administrative Procedures Act does not apply to the judicial branch of government. The rule making would probably have to be court ordered.

REP. SIMON asked SEN. JACOBSON what other appointments the Chief Justice of the Supreme Court make that would be similar to the board appointments. SEN. JACOBSON said the district courts would still be making the recommendations and the appointments would have to be made from the recommendations. Ms. Marshall said in Oregon the coordinators are making the recommendations.

REP. SIMON said section 9, (9), page 10, states that the local citizen review board may disclose to parents and their attorneys, foster parents, mature children and their attorneys, and other persons authorized by the board to participate in the case review, the records disclosed to the board. REP. SIMON asked Hank Hudson what happens if the children have been taken away from the parents because of an abusive situation and the board doesn't want the parents to know the children's whereabouts. Mr. Hudson said the bill provides for the same consideration in place at present. Mr. Hudson said the best interest of the child is taken into consideration before any information is given out about them.

REP. SIMON told SEN. JACOBSON she had been very well served by the advocates for the bill, Kathy Marshall and Marylyn Jenkins. SEN. JACOBSON said Kathy Marshall is a real asset to the State of Montana. Ms. Marshall has spent hundreds of hours of her time and her own money to travel to Oregon to do research in order to bring this bill before the State of Montana. That's the kind of citizen involvement everyone likes to see.

HOUSE HUMAN SERVICES & AGING COMMITTEE

April 2, 1993

Page 6 of 6

Closing by Sponsor:

SEN. JACOBSON asked the committee to support SB 271 because it is something positive that can be done for the children in the state of Montana.

ADJOURNMENT

Adjournment: The hearing adjourned at 5:14 p.m.

Wm E Boharski

WILLIAM BOHARSKI, Chair

Alyce Rice

ALYCE RICE, Secretary

WB/ar

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Human Services COMMITTEE BILL NO. SB 271
DATE 4-2-93 SPONSOR(S) Senator Jackson
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Burnett SD#42	Myself	✓	
Kelly Marshall	"	✓	
MARYLYN JENKINS	"	✓	
Chona Green	✓		
Don Lowe	✓		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Amendments to Senate Bill No. 271
Third Reading Copy

Requested by Senator Burnett
For the Committee on Human Services

Prepared by Greg Petesch
March 29, 1993

1. Page 1, line 20.
Strike: "supreme court"
Insert: "board of county commissioners"
2. Page 1, line 21.
Strike: "judicial district"
Insert: "county"
3. Page 2, line 2.
Strike: "chief justice of the supreme court"
Insert: "board of county commissioners"
4. Page 2, line 5.
Strike: "chief justice of the supreme court"
Insert: "board of county commissioners"
5. Page 2, line 6.
Following: "appoint"
Insert: "a"
Strike: "boards"
Insert: "board"
6. Page 2, line 24.
Strike: "presiding judge of the youth court"
Insert: "board of county commissioners"
7. Page 3, lines 2 and 3.
Following: "resident of" on line 2
Strike: remainder of line 2 through "serve" on line 3
Insert: "the county"
8. Page 3, lines 8 and 9
Strike: line 8 through "court," on line 9.
Insert: "board of county commissioners"
9. Page 3, line 11.
Following: "of"
Insert: "the"
Strike: "boards"
Insert: "board"
10. Page 3, line 14.
Following: "to"
Insert: "the"

11. Page 3, line 15.
Strike: "boards"
Insert: "board"
12. Page 3, line 17.
Strike: "boards"
Insert: "board"
13. Page 3, line 18.
Strike: "office of the supreme court administrator"
Insert: "board of county commissioners"
14. Page 3, lines 19 and 20.
Following: "provide" on line 19
Strike: remainder of line 19 through "court," on line 20
15. Page 3, line 25.
Following: "of"
Insert: "the"
Strike: "boards"
Insert: "board"
16. Page 4, line 4.
Strike: "supreme court"
Insert: "board of county commissioners"
17. Page 4, line 7.
Following: "of"
Insert: "the"
18. Page 4, line 8.
Strike: "boards"
Insert: "board"
19. Page 5, line 4.
Following: "which"
Insert: "the"
Strike: "boards"
Insert: "board"
20. Page 5, lines 13 through 15.
Following: "in a" on line 13
Strike: remainder of line 13 through "located" on line 15
Insert: "different county"
21. Page 11, line 10.
Following: ", "
Insert: "a"
Strike: "boards"
Insert: "board"
22. Page 22, line 20.

EXHIBIT 1
DATE 4/2/93
SB 271

Strike: "THE FOLLOWING APPROPRIATIONS"
Insert: "an appropriation"

23. Page 22, lines 22 and 23.

Following: "BIENNIUM" on line 22

Strike: remainder of line 22 through "APPROPRIATED" on line 23

24. Page 22, line 24.

Following: "SERVICES"

Insert: "of"

25. Page 23, lines 1 through 11.

Following: "." on line 1

Strike: remainder of line 1 through "." on line 11

Kathy Marshall
710 Green Acres Drive
Butte, MT 59701
(406) 494-8444

Initiator, SB 271

FOSTER CARE REVIEW

"You are the eyes and ears of the court, a part of the Court's conscience. You are also the eyes and ears of society, and part of its conscience. Reviewers are one of the few institutions where the problems of the family, the efforts of the state, and the work of the judiciary meet. You are able to see what is working and what is wrong."

Honorable Robert N. Wilentz
Chief Justice, NJ Supreme Court

Reviewers carry out their role as advocates in many ways:

1. Promoting the individual case review of all children in foster care;
2. Asserting the rights of children to have permanent families;
3. Mediating between parties involved in children's cases to facilitate actions necessary for permanence;
4. Informing parents of their rights to treatment services appropriate to reunite families;
5. Educating the public as to the needs of foster children;
6. Making findings and recommendations regarding foster care system problems which come to light through the case review;
7. Promoting the requirements of the reasonable efforts provision of PL 96-272 as well as the other provisions of this legislation;
8. Informing foster parents of their rights of involvement with children placed in their home;
9. Providing child welfare training to judges, attorneys, child welfare professionals and other volunteers; and
10. Lobbying for legislative changes which benefit children, especially foster children.

As advocates for children, reviewers usually follow the guidelines listed below in individual case reviews:

1. Reviewers consider the necessity and appropriateness of the current placement;
2. Reviewers ascertain whether reasonable efforts have been made either to prevent initial placement in foster care or to reunite families;
3. Reviewers determine the progress toward alleviating the cause of the placement;
4. Reviewers determine the compliance and level of participation in the case plan of all appropriate interested parties;
5. Reviewers monitor and/or project the likely date for the child's return home or for placement in another permanent home.

ADVANTAGES OF FOSTER CARE REVIEW

Foster care review boards have several advantages not only for the children in foster care, but for the court system, social services system and taxpayers. By engaging in interdisciplinary cooperative efforts, citizen review systems can make tremendous advances in the delivery of foster care services including the following:

1. Reducing the number of children in placement, thereby improving the quality of life for these children and saving tremendous amounts of government dollars;
2. Increasing the awareness of the community to the plight of children in care;
3. Serving a "check and balance" function to assure that all aspects of the child welfare system are functioning correctly and appropriately;
4. Enabling changes in the legislature regarding foster care statutes;
5. Serving an investigative function to aid in appropriate case planning;
6. Encourage and aiding in the recruitment of foster homes;
7. Freeing case workers who might otherwise be conducting reviews to do casework and provide services to families;
8. Increasing cooperation and communication between various agencies serving children;
9. Developing new policies, procedures and resources for children in care;
10. Monitoring child welfare agency compliance with the requirements of federal law.

Fact Sheet
SENATE BILL NO. 271

TO ESTABLISH LOCAL CITIZEN REVIEW BOARDS
FOR FOSTER CARE PLACEMENTS

Sponsor: Senator Judy Jacobson

IMPORTANCE OF FOSTER CARE REVIEW LEGISLATION

Children need the stability and support of a permanent home and family in order to grow and flourish; they need the sense of lifelong belonging and continuity that only a permanent home can provide. Children who grow up or linger unnecessarily long in foster care represent a huge potential loss in both human and financial terms.

The placement of a child in foster care is intended to be a short-term solution to an emergency situation of abuse or neglect. In the past, however, all too often foster care placement resulted in the child being destined to obscurity within the child welfare system. The ideal of assuring a permanent home for every child fell by the wayside while the child was set adrift among different foster families and group homes. The child's vital developmental years were lost, since he or she was neither free to return home to the natural parents nor eligible to be adopted by a permanent family.

Throughout the 1970s, judges, social workers, child advocacy groups, and attorneys began to recognize that the United States foster care system was failing to respond to the needs of many abused and neglected children and their families. Many children were lost or adrift in the system with no regular or timely review of their placements.

Crowded court calendars and understaffed child welfare agencies were contributing to an increase in the number of children entering the system and to the length of time these children spent in foster or substitute care. Increased societal pressures and changing family structures also were factors increasing the number of foster care placements.

Concern for children lingering unnecessarily in foster care continued to mount throughout the decade. Among solutions proposed by child advocacy organizations were the comprehensive implementation of permanency planning case work and foster care placement monitoring through regular case reviews. A new resource was also identified to help monitor foster children and to advocate on their behalf: *citizen volunteers*.

In response to the idea of citizen involvement in the foster care system, a new citizen volunteer program emerged. The use of volunteers to periodically review children in foster care was called Foster Care Review Systems. Most initial Citizen Foster Care Review Systems were structured on a regional or statewide basis to allow citizen panels or boards to collectively monitor, through case reviews, the status of abused or neglected children in foster care and to advocate for all foster children and their families.

PURPOSE, PHILOSOPHY, AND ROLE OF FOSTER CARE REVIEW SYSTEMS

The underlying goal of all case review is to assure that children do not linger unnecessarily in foster care, but rather receive the support and benefits of a permanent home. In the case of citizen review, this goal is accomplished through recommendations to the legislature, social service agencies, and courts based upon citizens' review of the cases of children in care.

Reviewers in the citizen review process serve as advocates for the best interest of children who cannot speak for themselves. Reviewers use the case review process and the recommendations issued on each case to promote the goal of a permanent home for each child.

Generally, reviewers carry out their role as advocates in many ways, including:

1. Promoting the individual case review of all children in foster care;
2. Asserting the rights of children to have permanent families;
3. Mediating between parties involved in children's cases to facilitate actions necessary for permanence;
4. Informing parents of their rights to treatment services appropriate to reunite families;
5. Educating the public of the needs of foster children;
6. Making findings and recommendations regarding foster care system problems which come to light through the case review;
7. Informing foster parents of their rights of involvement with children placed in their home;
8. Lobbying for legislative changes which benefit children, especially foster children.

As advocates for children, reviewers usually follow these guidelines in individual case reviews:

1. Reviewers consider the necessity and appropriateness of the current placement;
2. Reviewers ascertain whether reasonable efforts have been made either to prevent initial placement in foster care or to reunite families;
3. Reviewers determine the progress toward alleviating the cause of the placement;
4. Reviewers determine the compliance and level of participation in the case plan of all appropriate interested parties;
5. Reviewers monitor and/or project the likely date for the child's return home or for placement in another permanent home.

The advocacy role of reviewers is not limited to making case recommendations to the court and social service agency. Individual panel members may be able to identify resources in the community which would be of assistance to the child and family, but of which the service provider may not be aware.

Citizen review boards may also serve as systems advocates. Over time, state review boards will recognize general problems in the child welfare system itself, and address such problems to the courts, agencies, and the legislature. In this process, confidentiality requirements must be met and problems must be reported in an aggregate manner.

Citizen review systems may have their greatest, most positive impact through a systems advocacy approach. Volunteer reviewers can create a broad base of community support for foster care issues and serve as catalysts for system reform.

ADVANTAGES OF CITIZEN REVIEW

Citizen review boards have several advantages not only for the children in foster care, but for the court system, social services system, and taxpayers. By engaging in interdisciplinary cooperative efforts, citizen review systems can make tremendous advances in the delivery of foster care services including:

1. Reducing the number of children in placement, thereby improving the quality of life for these children and saving tremendous amounts of government dollars;
2. Increasing the awareness of the community to the plight of children in care;
3. Serving a check and balance function to assure that all aspects of the child welfare system are functioning correctly and appropriately;
4. Enabling changes in the legislature regarding foster care statutes;
5. Serving an investigative function to aid in appropriate case planning;
6. Encouraging and aiding in the recruitment of foster homes;
7. Freeing case workers who might otherwise be conducting reviews to do casework and provide services to families;
8. Increasing cooperation and communication between various agencies serving children.
9. Developing new policies, procedures, and resources for children in care;
10. Monitoring child welfare agency compliance with the requirements of federal law.

Source: Bowling, Susan B., and Susan Carter, J.D. *An Overview of Citizen Involvement in Foster Care Review*. Baltimore: National Association of Foster Care Reviewers, 1992.

CHILDREN IN NEED: THE QUIET CRISIS

The Law

Montana Statute charges the Department of Family Services with the provision of "...protective services to ensure the health, welfare, and safety of children...who are in danger of abuse, neglect, or exploitation within communities," and, "Provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred or committed to the department..." (52-1-101(1)(2) MCA) Children who have been alleged to have been abused and neglected are the responsibility of the Department of Family Services through their Child Protective Services.

The Children

There has been a dramatic increase in the number of children involved in child abuse and neglect investigations. In 1985 there were 7,328 children involved, while in 1990 that number had increased to 10,256. Over the past five years, there has been a 7.2% average yearly increase in the number of children involved in child abuse and neglect investigations. If that average holds, there will be approximately 14,520 children involved in child abuse and neglect investigations in 1995.

In 1990, there were 12,532 child abuse and neglect incidents alleged. There were more incidents reported than the number of children involved due to repeated incidents. Of those alleged incidents, 4,972, or about 40% of them were substantiated. If the percentage increase of 7.2% holds for the number of substantiated child abuse and neglect cases then there will be 7,040 cases in 1995.

The Reality

The Department of Family Services child protective staff has remained about the same size over the past seven years. What the above figures do not attest to is the change in the nature of the cases for which they are charged to investigate and provide services. Most social workers maintain that the children and families they are involved with have problems that are tougher to treat than ever before. Homelessness, fetal alcohol and drug syndrome, sexual abuse, multiple handicaps, and severe emotional disturbance are new problems that the traditional child welfare system was not designed to handle.

In a study done for the 1991 Legislature, Child Protective Service workers said that they inadequately served over one third of the 10,256 children who were involved with child abuse and neglect complaints. That translates into approximately 3,500 children who did not receive adequate child abuse and neglect protective services. Using nationally recognized standards, the Department needs an additional 121 child protection workers and 35 supervisors to meet present caseload demands.

The Need

A number of the children that have been found to be abused and neglected need to be placed outside of their own homes to assure their continued safety, at a minimum. In 1990, there were 3,125 children placed in some form of out-of-home care. Most of these children were placed in family foster homes, while others needed additional services that were provided by therapeutic foster homes, group homes, intermediate treatment programs, and residential treatment programs.

The number of children placed in out-of-home care resources has not grown as dramatically as the number of children involved in child abuse and neglect situations. From 1985 to 1990 the number of children in out-of-home care placements grew 24%. The number of children involved with child abuse and neglect investigations over those same years increased by 29%. Attention and receiving homes, those homes that work with children in crisis, increased by 35%. At the same time while the number of children served by in-state residential treatment programs for seriously emotionally disturbed children declined by 14%, the number of seriously emotionally disturbed children served by out-of-state programs increased by 33%.

The 50th Legislature did allow rate increases to the providers of these out-of-home services. But the legislature did not allow for an increase in the number of children and youth served. Therefore, the Department has virtually been on a "one in, one out" placement basis for those children requiring residential treatment. There is simply not the budget to accommodate these additional children who are in crisis.

The Questions

So, where are these children going? As a starting point, the consensus among every provider of out-of-home care services in the state has recognized that the system for this type of care has always been seriously underfunded. We have seen far too many children "fail" their way through inadequate placement resources until they find themselves in a state of real crisis where they end up in a children's psychiatric hospital, and in and out of a succession of foster and group homes.

It is frankly no mystery to any of us working with these "quiet" victims that Pine Hills and Mountain View are not only filled way past their effective capacities, but are also holding seriously emotionally disturbed boys and girls, a situation that is antithetical to the philosophy of a correctional institution. Not only is this a completely inappropriate setting for these types of youth, it profoundly affects the youth that are there for correctional reasons. It is also no mystery that Deer Lodge State Prison continues to need additional beds. Once the children we have been describing move quickly through their childhood

EXHIBIT 2
DATE 4/2/93
SB 271

Children in Need: The Quiet Crisis
Page 3

years into adulthood, these former victims become victimizers. Does anyone doubt anymore the inescapable correlation between childhood abuse and subsequent criminal activity?

Perhaps our greatest frustration lies in not being able to describe to you with some precision the quiet crisis these children have been experiencing. The state has been charged by statute to protect these children who are the victims of child abuse and neglect, and many of their stories would shock and deeply disturb nearly any adult. Yet, over the years, there has not been even a rudimentary data base in place to count and describe these children. It is safe, but tragic, to say that this state could far better describe its population of deer and elk than the children who have been, and continue to be, abused and neglected.

Discussion Paper on the Issue of a Lawsuit on Behalf of Montana's Neglected and Abused Children

Prepared by
The Montana Residential Child Care Association

The Problem:

Neglected and Abused Children in Montana are being denied the protection, care and treatment guaranteed to them by the laws of the State of Montana and by the laws of the Federal Government.

Sustained, repeated attempts to resolve this problem, and the numerous specific issues associated with it, through the Legislative and Executive branches of government have failed.

It is time to consider seriously the Judicial branch of Government as the last and only avenue of recourse.

The Proposal:

That Montana Residential Child Care Association, together with any number of other individuals and organizations representing the Class of Individuals known as the Neglected and Abused Children of Montana, bring legal action against the State of Montana for failure to comply with its own law, and with applicable federal laws:

Federal Laws.

- The Due Process Clause of the Fifth Amendment to the United States Constitution.
- The Due Process Clause of the Fourteenth Amendment to the United States Constitution.
- The Child Abuse Prevention and Treatment Act.
- The Federal Adoption Assistance and Child Welfare Act of 1980.

State Laws and Department of Family Services Regulations.

- MCA 41-3-101(1)(a) --Policy of the State of Montana
- MCA 41-3-201(1)(2) --Duty to Report Neglect & Abuse
- MCA 41-3-202(1)(2)(3) --Action on Reporting
- MCA 41-3-301 --Emergency Protective Services
- MCA 41-3-302(1)(2) --Responsibility for Providing Protective Services

- Administrative Rules of Montana
- DFS Policy Manuals

Such an Action could be brought in either a Montana District Court or a Federal Court.

Any cause for Action must be based only on what we believe are violations of existing state and/or federal laws.

The Principles:

In an Action of the kind under consideration, MRCCA will be guided by, and remain loyal to, a few fundamental Principles:

- The welfare of Montana's Neglected and Abused Children are our first, primary, and sole concern. Our discussions, decisions and actions will be motivated and guided by our firm beliefs about what is right for these children.
- The perceived or potential impacts upon Montana Residential Child Care agencies, positive or negative, shall have no place in the decisions made regarding this issue.
- MRCCA recognizes at the outset that this Action, if taken, will be long and costly, with no certain outcome. MRCCA agencies are willing to see this Action through to its ultimate conclusion; and are willing to commit its resources and reputation toward that end.
- MRCCA recognizes that there are other interests, individuals and organizations with a stake in this problem. MRCCA will reach out to these, and attempt to forge a Coalition of Plaintiffs to bring this Action against the State of Montana.
- MRCCA is committed to working as an equal partner in a professional, collegial, collaborative manner with any other Plaintiffs who may join in this Action.
- MRCCA will restrict itself to the legal issues at stake in this Action.

The Potential Plaintiffs and Partners:

The following organizations and individuals have expressed an interest in, or been informed of, the Action under consideration:

- The Montana Protection and Advocacy Program
- The National Youth Law Center
- The Montana Foster Parent Association
- Individual Family Foster Parents: Bobbie Curtis, Rick and Colleen Thompson, Mike and Sherry Steele
- The Montana Public Employees Association/Social Workers
- The Montana Juvenile Probation Officers Association
- The Montana Legal Services Association
- Prevent Child Abuse/Montana Council on Families
-
-
-

The Plan:

A Plan for the Action must be prepared. The following elements, at a minimum, will be necessary :

- An inventory of existing resources that can be mobilized for this effort.
- An assessment of what this action will cost, and how long it might take to bring it to a conclusion.
- Coordination and consultation with any and all potential Plaintiffs and Partners.
- Research into State and Federal Law, Regulation and Policies.
- Development of an extensive set of instances in which current law is being or has been violated. Examples might include:

Failure to make monthly visits to children in foster care.

Failure to comply with reasonable professional standards.

Failure to initiate timely investigations into reports of abuse and/or neglect.

Failure to provide services to families that prevent placement into foster care.

Failure to place those children who may not remain safely at their home into appropriate foster homes or residential facilities.

Failure to develop Case Plans for children in foster care.

Failure to implement Case Plans where they exist.

Failure to move children into a situation of permanency.

Failure to provide the treatment recommended by professionals
or called for in Case Plans.

Failure to comply with other particular things called for in State
Law, Regulation or DFS Internal Policies.

- Match specific children to specific violations of the law(s). Ultimately, the children whose rights are being violated in any of the above ways will represent a Class of Citizens entitled to relief.
- Seek Legal Counsel.

Conclusion:

The Montana Residential Child Care Association will distribute this discussion paper to other interested parties and gather the information necessary to go forward with legal action against the State of Montana.

The Honorable Judy Jacobson
C/O Kathy Marshall
710 Green Acres
Butte, Montana 59701

February 10, 1993

Dear Senator Jacobson:

It is my understanding that under your sponsorship, SB 271 mandating citizen review of children in substitute care will soon be introduced into the Montana legislature. Oregon passed such a bill in 1985. As an Oregon volunteer who has participated in several thousand reviews in the past 12 years, I have observed great differences between the internal administrative reviews of the child welfare system (Children's Services Division or Child Protective Services) and the reviews conducted by the Citizen Review Board (CRB). Several differences between internal administrative reviews (CSD) and those conducted by CRBs are:

1. Under Children's Services Division's internal administrative reviews, no case material was available to volunteers prior to the reviews. Under citizen reviews (CRB), all pertinent information is received by volunteers at least ten days prior to review. This information includes the Initial Service Plan; client history; psychological evaluations; case plan; medical, educational, and treatment reports; placement histories; and other significant documents. Volunteers come to each review with thorough knowledge of each case.
2. Under internal reviews, not all concerned parties were notified/ invited to the review. Sometimes, no interested party was notified. Under CRBs, all interested parties are notified, invited, and encouraged to attend and participate--parents, children, foster parents, attorneys, treatment personnel, and others who have an interest in the child. This allows an open and complete exchange of information, an objective forum that sometimes serves to defuse hostility between client and caseworker.
3. Under CSD reviews, recommendations remained within CSD and were seldom implemented. Under CRB reviews, recommendations and findings are sent to the court, CSD, parents, and other interested parties when applicable. Judges and referees are strongly supportive of the volunteers' work, depend on CRB reports in their hearings, and have the power to order implementation of the boards' recommendations. Currently, CRB recommendations are fully implemented in 76% of the cases, and partially implemented in 18% of the cases.

COMMON PLEAS COURT OF MONTGOMERY COUNTY
JUVENILE DIVISIONEXHIBIT 4DATE 4-2-93SB 271

REIBOLD BUILDING - 8TH FLOOR

14 W. FOURTH STREET - DAYTON, OHIO 45422-4240

TELEPHONE: (513) 496-3185

TELEFAX: (513) 496-3157

ARTHUR O. FISHER, JUDGE
MICHAEL B. MURPHY, JUDGE
HENRY N. KUNTZ, JR., COURT ADMINISTRATOR

February 11, 1993

Dear Senator Jacobson:

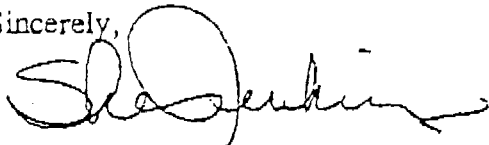
Montgomery County, in the State of Ohio, established a Citizen Review Board in 1978. The purpose and function of this Board was to act as an arm of the Court and to monitor all the children involved with the Children Services Bureau. All children who are adjudicated dependent, neglected or abused have their case plan reviewed bi-monthly. The purpose of the Citizen Review Board is to determine reasonable efforts that include whether appropriate services are being offered to the child and his/her family, by the Children Services Bureau. These services will enable the agency to maintain the child in his/her home, or to facilitate reunification.

Senate Bill 89 became effective January 1, 1989. This Bill allowed the Juvenile Court judges to establish Citizen Review Boards in all counties, if they so desired. This Bill also empowered the Citizen Review Board to conduct the Annual Review Hearings of all children in the Long Term Foster Care or Permanent Custody of Children Services Bureau.

Montgomery County has three Citizen Review Boards, which meet twice a month, with a total of 29 members. These Board members review two hundred to three hundred children a month. These Boards are composed of volunteers and provide an invaluable service as they free our Referees to handle our busy Court dockets, while ensuring that children do not languish in foster care.

We wholeheartedly support the state of Montana in your attempt to establish such a Law.

Sincerely,



Sheila K. Jenkins, LISW
Director, Citizen Review Board
Montgomery County Juvenile Court

SKJ/dmj

Some changes I have seen as a result of CRBs include:

1. Cases are reviewed objectively and independently by trained impartial volunteers from diverse backgrounds reflecting the make-up of the community.
2. Convening on neutral ground encourages an open exchange of information and diminishes negative feelings towards "the system."
3. Consistent follow-up of cases by the same board enables boards to encourage accountability on the part of all responsible parties and agencies.
4. The potential for caseworker judgment error or a case falling through the cracks is greatly reduced.

My experience has convinced me that an agency cannot objectively review itself. I have seen too many horror stories that could have been prevented by citizen reviews. Some simple examples include the cases of teenage children who were legally free for adoption soon after birth, but who were placed in dozens of foster homes and residential treatment centers, never in adoptive homes. Or the six month old baby, in care since birth, who had been in five foster homes during his short life.

Volunteers' recommendations and findings reflect the concern for children in care, the need to provide appropriate services and safe, loving, permanent placements in a timely manner.

Citizen reviews afford communities the opportunity to avail themselves of our democratic governmental system to help ensure the emotional and physical well-being of the nation's children. SB 271 would implement a system like Oregon's CRB in which the checks and balances created by utilizing both the executive and judicial branches of government ensure timely and thorough reviews of all children in the state's custody. The use of citizen volunteers has proven to be a cost-effective mechanism that brings about greater agency compliance with state and federal laws and policies.

The most important benefit of citizen review is the human savings.

I would be happy to provide additional information if you would find it helpful.

Sincerely,



Jean Cauthorn
3160 NE 156th Ave
Portland, Oregon 97230
(503) 253-3321

EXHIBIT 5
DATE 4-2-93
SB 271

FAX TO: SENATOR JACOBSON

FEBRUARY 11, 1993

FROM: CORINNE DRIVER, EXECUTIVE DIRECTOR, THE NATIONAL ASSOCIATION
OF FOSTER CARE REVIEWERS, (NAFCR) 201-226-0235

CONGRATULATIONS FOR YOUR ACTION ON BEHALF OF FOSTER CHILDREN!
REGULAR, PERIODIC CITIZEN REVIEW OF FOSTER CHILDREN, STARTING AT
THE EARLIEST TIME AFTER REMOVAL FROM HOME, HAS PROVEN TO BE
EFFECTIVE IN A NUMBER OF WAYS. SOME EXAMPLES FOLLOW:

NEW JERSEY BEGAN CITIZEN REVIEW IN 1979 WHEN IT WAS ESTIMATED THERE
WERE AT LEAST 13,000 CHILDREN IN FOSTER CARE, (NO ONE WAS QUITE
SURE!) WITHIN FOUR YEARS THE CASELOAD DROPPED TO 6,800 IN AN
ACCURATE COUNT. TODAY, EVEN AFTER DRAMATICALLY INCREASED REPORTS
OF ABUSE AND NEGLECT AND HOMELESSNESS, THERE ARE FEWER THAN 9,000
CHILDREN IN FOSTER CARE. THE EFFECT IS THAT MORE CHILDREN HAVE
HOMES, SPEND LESS TIME IN FOSTER CARE, AND THE STATE IS SAVING
HUNDREDS OF THOUSANDS OF DOLLARS.

NEBRASKA CONDUCTED TWO COMPARATIVE STUDIES OVER A PERIOD OF THREE
YEARS. EACH STUDY CONFIRMED THAT CHILDREN ARE TWICE AS LIKELY TO
BE ADOPTED IF REVIEWED BY CITIZEN REVIEW BOARDS.

IOWA HAS DOCUMENTED THAT COMPLETELY WRITTEN CASE PLANS FOR CHILDREN
INCREASED DRAMATICALLY WHEN CITIZEN REVIEW BOARDS WERE ESTABLISHED.
BETTER CASE PLANS CORRELATED WITH A DECREASE IN THE LENGTH OF TIME
CHILDREN REMAINED IN FOSTER CARE AND AN INCREASE IN THE NUMBER OF
CHILDREN FREED FOR ADOPTION.

ALASKA DOCUMENTED A DECREASE IN THE LENGTH OF TIME IN CARE WHEN
CITIZEN REVIEW BOARDS WERE PRESENT. THE DOCUMENTATION INDICATED
ALSO THAT CITIZEN REVIEW BOARDS HELPED TO IDENTIFY AND REMEDIATE
SYSTEMS BARRIERS THAT PROLONGED TIME IN CARE.

KANSAS, IN JULY 1992, ENACTED STATEWIDE CITIZEN REVIEW FOR ALL
CHILDREN IN FOSTER CARE AS THE RESULT OF A ONE YEAR STUDY
WHICH DOCUMENTED THAT THERE WERE THREE TIMES AS MANY COURT
CONTINUANCES WHEN A CITIZEN REVIEW BOARD WAS NOT PRESENT. IT ALSO
DETERMINED THAT, WITH REVIEW BOARDS, CHILDREN WERE TWICE AS LIKELY
TO HAVE A SERVICE AGREEMENT SIGNED BY THE PARENTS AND THEY WERE
TWICE AS LIKELY TO ACTUALLY RECEIVE THE SERVICES THAT WERE PLANNED
FOR IN THE CASE PLAN.

TWENTY TWO STATES HAVE CITIZEN REVIEW AND AT LEAST FOUR ADDITIONAL
STATES ARE ESTABLISHING OR EXPLORING CITIZEN REVIEW PROGRAMS THIS
YEAR.

NAFCR WILL BE GLAD TO ASSIST MONTANA AS IT RECOGNIZES ITS FOSTER
CHILDREN, THE VALUE OF ITS CITIZENS, AND ALSO SAVES DOLLARS.

Superior Court of the State of Washington
for Snohomish County

JUDGES

PAUL D. HANSEN
JOHN F. WILSON
GERALD L. KNIGHT
JOSEPH A. THIBODEAU
RICHARD J. THORPE
KATHRYN E. TRUMBULL
JAMES H. ALLENDOERFER
LARRY E. MCKEEMAN
RONALD L. CASTLEBERRY
THOMAS J. WYNNE
DAVID F. HULBERT

JUVENILE COURT DIVISION
FOSTER CARE CITIZEN REVIEW

2731 - 10th Street, Room 205
Everett, Washington 98201-1492
(206) 252-0622

February 12, 1993

ADMINISTRATIVE JUDGE
JOSEPH A. THIBODEAU

COURT COMMISSIONERS
ARON J. MULE
LESTER H. STEWART

JUVENILE COURT ADMINISTRATOR
MICHAEL F. SULLIVAN

SUPERIOR COURT ADMINISTRATOR
KEITH WILSON

Senator Jacobsen
Montana State Legislature
Fax # - 406-444-4105

RE: Consideration of Citizen Review in Montana

Dear Senator Jacobsen:

I would like to encourage your support in the development of Citizen Review in Montana. We have had legislatively mandated Foster Care Citizen Review in three pilot sights in Washington State since 1989. Our program goal is to provide periodic review of foster children in a manner that complies with case review requirements and time lines imposed by federal laws; to assist in providing improved quality of case review; and to provide the means for community involvement in monitoring cases of children in substitute care. Our focus is to ensure children obtain a permanent placement as quickly as possible, be it a safe return home, adoption, or guardianship. Having children languish in foster care is unacceptable and the utilization of citizen volunteers acts as an oversight mechanism that is a significant safeguard for children. Our reviewers feel Citizen Reviews act as a 'pump' to push cases to a quicker resolution.

Parental participation at reviews has been higher than anticipated indicating parents are very much interested in the opportunity to express themselves and to feel like they are being heard. Citizen Review provides this opportunity in a neutral setting with the hope that we can negotiate and resolve conflicts or misunderstandings in a creative team-approach.

In Washington State, after dependency has been established, Citizen Review can occur 'in lieu of court' at the 6 & 12 month time-frames, as Federal law requires only a 'periodic review', not specifically a court review. Our recommendations are advisory and do not change existing court orders, and if parents contest specific issues, these must be addressed in court. It has been roughly estimated that there is a 46% saving of court time by utilizing Citizen Review based on the number of cases not having to go to court at 6 & 12 months. This then frees the judges to provide additional attention to contested cases coming before them.

Respectfully,
Anna Powers-Shelton
Powers-Shelton, Project Coordinator

Siobhan M. McNally, M.D.
332 Basin Creek Road
Butte, Montana 59701
March 29, 1993

Senator Judy Jacobson
Chairperson, Finances and Claims Committee
Montana State Senate
Capitol Station
Helena, Montana 59620

Dear Senator Jacobson,

As a pediatrician and child advocate, I endorse wholeheartedly the passage of Senate Bill 271, which provides for the establishment of a Citizens Review Board for the Department of Family Services.

Recent statistics show the Department of Family Services to be confronted with an ever increasing number of families requiring investigation for child abuse or neglect, and possible placement of children into foster care. The evaluation, management, and, most importantly, the follow-up of these families requires a timely, well-coordinated case plan which takes into account not only the complex and often chronic nature of the many problems these families face, e.g. homelessness, drug and alcohol abuse, sexual abuse, unemployment, etc., but also the paramount need for a child to have a safe, trusting, and permanent home. Montana's social workers are extremely devoted and well-trained but the magnitude of this task goes beyond the capabilities of any single case-worker and truly requires the efforts of a multi-disciplinary team. A Citizen's Review Board would be a very cost-effective way to provide this much needed multi-disciplinary team approach.

I also feel that the current foster care system lacks any real mechanisms to ensure that children do not get lost in the system. As a physician, I am indebted to the social workers who have responded to my concerns of possible child abuse in a particular family with utmost professionalism. At the same time, however, I have been dismayed with the fact that often, these very same children will spend months to years jumping from one foster home to another, occasionally back to their original family, then back to another foster home. If the specialists in child development have taught me anything, they have taught me this: For a child to develop into a mature and capable adult, he/she requires a safe, trusting, and CONSISTENT environment - a sense of PERMANENCE. In facilitating the timely review of cases, the Citizens' Review Board would be able to minimize the delays that seem so inherent in the current system.

I also feel that we are sorely lacking in statistics to show that our current system is effective. Many, many tax dollars are being appropriated toward foster care and residential treatment. As a taxpayer, I want to know that we are doing the best job possible with these limited funds. A Citizens' Review Board would provide the vehicle by which we could begin to collect this data.

For many years, we allowed our health care system to run without checks and balances; and, we are now paying the price. Are we going to make the same mistake with our social service system? Please show your interests in cost-effective strategies to improve the welfare of our children and vote for Senate Bill 271.

Sincerely,


Siobhan M. McNally, M.D.

202
EXHIBIT 8
DATE 4/2/93
SB 271

8 P03
DATE 4/2/93
SB 271

Care Review Board

PF FCRB PROGRAM

led as one of the top two or three in the foster care delivery system, it is all too easy to get lost in the work pile. Citizen review assures that attention. We offer the following:

ate compliance with federal IV-B mandates

ntly meet targets for number of reviews

vide uniformity and adaptability.

view. In a recent study of nearly 650 cases, 15% had left placement, had been reviewed by February, 1992.

vidence functions improve accuracy and control

per inflation-adjusted dollar) increased by 1992.

em with a clear focus on permanence.

ul training plus on-going training.

setting appropriate permanency goals for those goals.

placement agencies, and other community groups to meet the needs of children and families.

e approximately 20,000 hours per year.

of citizens who know and care about vulnerable children and community support for child welfare programs.

icated statistical analysis available on annual Report exceeds 1,200 copies.

ata on citizen and court reviews,

federal audit and for local DSS files

working relationships with legislators in order to be viewed as impartial and believable.

Secretary for CYF, Secretary of State, and chairmen and committee members for

of six months on TPR proceedings. In some jurisdictions.

family preservation, foster care, termina-

requests for staff and program. In some jurisdictions. In 1992, we supported SEFC and Foster Care.

and reduced length of stay.

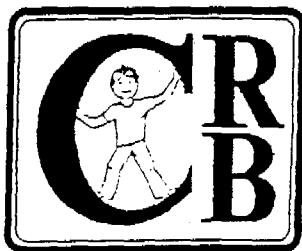
foster care return to parents, are reunification, or are adopted. Re-entry rates of review boards, these statistics

y has been reduced from over four to two circumstances created by increasing substance abuse.

g procedure and legal reforms, the cost has dropped from an average of \$100,000 in 1992.

month due to weakening of FCRB budget, five times the FCRB budget.

EXHIBIT 8
DATE 4-2-93
SB BOARD 271



OREGON CITIZEN REVIEW BOARD

February 11, 1993

Senator Judy Jacobson
Capital Station
Helena, MT 59620

Dear Senator Jacobson and Members of the Senate Judiciary Committee:

I writing to provide you with some information about the Oregon Citizen Review Board program. We have gathered so much information since our creation by the Oregon Legislature in 1985. In attempting to sort out what information would be most helpful, I came to the conclusion the best way to provide you with the data you may need is to forward you our most recent biennial report. It outlines the structure of our program and the accomplishments we have seen over the years.

In Oregon, we have 350 citizens serving on 70 review boards throughout the state. In conducting reviews in 1991, the CRB brought together over 15,000 interested parties to discuss appropriate case planning for our state's foster children and their families. The existence of an unbiased, objective, citizen based review system is a crucial ingredient in developing partnerships to improve services to children and their families.

In times of scarce resources, citizen involvement in government is the wave of the future. Our citizens can aid in both holding government accountable and advocating for needed resources. Educating the citizenry about the problems of our high risk children and families gives the citizens the tools they need to advocate for needed change.

I hope the information contained in the report is helpful to you. Best wishes in your endeavors to bring citizen review to the state of Montana.

Sincerely,

Nancy Burket Miller

Nancy Burket Miller
Citizen Review Board Administrator

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enc.

NBM/jh